

IN THE UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF INDIANA

RICHARD WATKINS,)
)
 Plaintiff,)
)
 -vs-) No. 2: 14-CV-35
)
TRANS UNION, LLC,)
)
 Defendant)
_____)

The videotaped deposition of DENISE NORGLÉ,
called by the Plaintiff for examination, pursuant to
Subpoena and pursuant to the Federal Rules of Civil
Procedure for the United States District Courts
pertaining to the taking of depositions, taken before
Tracy Kerney, Certified Shorthand Reporter, at 555 West
Adams Street, commencing at the hour of 1:02 p.m., on
the 11th day of February, A.D., 2015.

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|----|------------------------------------|--------------------------|--------|----|--|--------|
| 1 | A P P E A R A N C E S: | | | 1 | THE VIDEOGRAPHER: We are now on the record. | 13:02 |
| 2 | CENTO LAW LLC, By | | | 2 | Please, note that the microphones are sensitive and may | 13:02 |
| 3 | MR. G. JOHN CENTO (telephonically) | | | 3 | pick up whispering and private conversations. | 13:02 |
| 4 | 334 North Senate Avenue | | | 4 | Please, turn off all cell phones or place them | 13:02 |
| 5 | Indianapolis, IN 46204 | | | 5 | away from the microphones as they can interfere with the | 13:02 |
| 6 | (765) 280-FCRA | | | 6 | deposition audio. Recording will continue until all | 13:02 |
| 7 | cento@centolaw.com | | | 7 | parties agree to go off the record. | 13:02 |
| 8 | On behalf of the Plaintiff; | | | 8 | My name is Michael Prager representing | 13:02 |
| 9 | SCHUCKIT & ASSOCIATES, PC, By | | | 9 | Veritext Legal Solutions. The date today is February | 13:02 |
| 10 | MR. WILLIAM R. BROWN | | | 10 | 11, 2015, and the time is approximately 1:00 p.m. This | 13:02 |
| 11 | 4545 Northwestern Drive | | | 11 | deposition is being held at Trans Union located at | 13:02 |
| 12 | Zionsville, IN 46077 | | | 12 | 555 West Adams Street, Chicago, Illinois, 60661 and is | 13:03 |
| 13 | (317) 363-2400 | | | 13 | being taken by counsel for the plaintiff. | 13:03 |
| 14 | (317) 363-2257 (fax) | | | 14 | The caption of this case is Richard Watkins | 13:03 |
| 15 | wbrown@schuckitlaw.com | | | 15 | versus Trans Union, LLC. This case is being held in the | 13:03 |
| 16 | On behalf of the Defendant. | | | 16 | United States District Court for the Southern District | 13:03 |
| 17 | ALSO PRESENT: | | | 17 | of Indiana, Case No. 14-CV-35. The name of the witness | 13:03 |
| 18 | Michael Prager, videographer | | | 18 | is Denise Norgle. | 13:03 |
| 19 | | | | 19 | At this time, the attorneys present in the | 13:03 |
| 20 | | | | 20 | room and everyone attending remotely will identify | 13:03 |
| 21 | | | | 21 | themselves and the parties they represent. | 13:03 |
| 22 | | | | 22 | MR. CENTO: John Cento for the plaintiff. | 13:03 |
| 23 | | | | 23 | MR. BROWN: William Brown, counsel for Trans | 13:03 |
| 24 | | | | 24 | Union. | 13:03 |
| 25 | | | | 25 | THE VIDEOGRAPHER: Our court reporter, Tracy | 13:03 |
| | | | Page 2 | | | Page 4 |
| 1 | 1 | I N D E X | | 1 | Kerney, representing Veritext will swear in the witness | 13:03 |
| 2 | 2 | WITNESSES | | 2 | and we can proceed. | 13:03 |
| 3 | 3 | ALL WITNESSES: | PAGE: | 3 | (Witness duly sworn.) | 13:03 |
| 4 | 4 | | | 4 | DENISE NORGGLE, | 13:03 |
| 5 | 5 | DENISE NORGGLE: | | 5 | called as a witness herein, having been first duly | 13:03 |
| 6 | 6 | Examination by MR. CENTO | 5:8 | 6 | sworn, was examined and testified as follows: | 13:03 |
| 7 | 7 | | | 7 | EXAMINATION | 13:03 |
| 8 | 8 | EXHIBITS | | 8 | BY MR. CENTO: | 13:03 |
| 9 | 9 | | | 9 | Q. What did you do to prepare for today's | 13:03 |
| 10 | 10 | NO EXHIBITS MARKED | | 10 | deposition? | 13:03 |
| 11 | 11 | | | 11 | A. I met with my counsel, Mr. Brown. | 13:04 |
| 12 | 12 | | | 12 | Q. Did you have any other meeting besides the | 13:04 |
| 13 | 13 | | | 13 | meeting with Mr. Brown? | 13:04 |
| 14 | 14 | | | 14 | A. No, I don't believe so. | 13:04 |
| 15 | 15 | | | 15 | Q. Did you review any documents? | 13:04 |
| 16 | 16 | | | 16 | A. Yes, I did. | 13:04 |
| 17 | 17 | | | 17 | Q. What did you review? | 13:04 |
| 18 | 18 | | | 18 | A. I reviewed the court's order, and I reviewed | 13:04 |
| 19 | 19 | | | 19 | affidavits I had previously executed in I think three | 13:04 |
| 20 | 20 | | | 20 | matters. | 13:04 |
| 21 | 21 | | | 21 | Q. Childress? | 13:04 |
| 22 | 22 | | | 22 | A. I believe that's right. | 13:04 |
| 23 | 23 | | | 23 | Q. Hobson? | 13:04 |
| 24 | 24 | | | 24 | A. Yes. | 13:04 |
| 25 | 25 | | | 25 | Q. What was the third? | 13:04 |
| | | | Page 3 | | | Page 5 |

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|--|---|
| 1 A. I believe it was this matter. 13:04 | 1 Mr. Dan Halvorsen, H-A-L-V-O-R-S-E-N; and Ms. Linda 13:07 |
| 2 Q. Did you review any other documents? 13:04 | 2 Dubnow, D-U-B-N-O-W. 13:07 |
| 3 A. No, I did not. 13:04 | 3 Q. What Trans Union employees are anticipated to 13:08 |
| 4 Q. How long was your meeting with Mr. Brown? 13:05 | 4 have relevant information about Mr. Watkins' claim? 13:08 |
| 5 A. I would estimate it was about two hours. 13:05 | 5 A. At this point, I would anticipate that the 13:08 |
| 6 Q. As of the date of filing of Mr. Watkins' 13:05 | 6 employees who would have information about this claim or 13:08 |
| 7 complaint, what members of Trans Union's legal staff 13:05 | 7 will be involved in the defense of this claim would 13:08 |
| 8 will be involved in the defense of the claims brought by 13:05 | 8 include associates from our Crumlin Consumer Relations 13:08 |
| 9 Mr. Watkins? 13:05 | 9 Office. That's C-R-U-M-L-I-N-N (sic) in Pennsylvania. 13:08 |
| 10 A. I'm sorry. I can't really hear the question. 13:05 | 10 So most likely, Liz Wilson in that office as well as 13:08 |
| 11 THE VIDEOGRAPHER: Let's turn up the speaker 13:05 | 11 possibly, Lynn Romanowski, R-O-M-A-N-O-W-S-K-I. 13:08 |
| 12 phone a little bit maybe without completely 13:05 | 12 Q. Anyone else? 13:09 |
| 13 disconnecting him. Here we go. 13:05 | 13 A. Not that I can think of at the moment. 13:09 |
| 14 Okay. I think it's at the maximum here, so 13:05 | 14 Q. Will Eileen Little be involved? 13:09 |
| 15 we'll if it's better. 13:05 | 15 A. Eileen Little, no. 13:09 |
| 16 BY MR. CENTO: 13:05 | 16 Q. Why won't she be involved? 13:09 |
| 17 Q. All right. As of the date of the filing of 13:05 | 17 A. She passed away a couple of years ago. 13:09 |
| 18 Mr. Watkins' complaint, what's members of Trans Union's 13:05 | 18 Q. Do you know when? 13:09 |
| 19 legal staff will be involved in the defense of this 13:06 | 19 A. I don't. 13:09 |
| 20 claim? 13:06 | 20 Q. Will Bill Stockdale be involved? 13:09 |
| 21 A. I'm sorry. As of -- are you asking as of the 13:06 | 21 A. I don't know whether we've made a 13:09 |
| 22 date of filing or as of today going forward? I don't 13:06 | 22 determination whether Bill Stockdale will be involved in 13:09 |
| 23 understand the question. 13:06 | 23 this case. 13:09 |
| 24 Q. The question was as of the date of filing. 13:06 | 24 Q. What about Steve Rieger? 13:10 |
| 25 A. I don't know the exact date of filing, so I 13:06 | 25 A. I don't anticipate that Steve Rieger will be 13:10 |
| Page 6 | Page 8 |
| 1 don't know if I can answer that question. 13:06 | 1 involved in this particular case. 13:10 |
| 2 Q. You said that in preparation for your 13:06 | 2 Q. Will the case involve any of the investigators 13:10 |
| 3 deposition today, you reviewed the order that was given 13:06 | 3 who processed the plaintiff's disputes? 13:10 |
| 4 in this case that authorized this deposition, right? 13:06 | 4 A. I don't know. 13:10 |
| 5 A. Yes, I did. 13:06 | 5 Q. There would be some investigators, right, who 13:10 |
| 6 Q. Did you read the subjects which -- the topics 13:06 | 6 processed the dispute? 13:10 |
| 7 which the Court authorized? 13:06 | 7 MR. BROWN: Object to form. 13:10 |
| 8 A. Yes, I did. 13:06 | 8 BY MR. CENTO: 13:10 |
| 9 Q. Okay. The first topic was, as of the date of 13:06 | 9 Q. Right? 13:10 |
| 10 filing of Mr. Watkins' complaint, what members of Trans 13:06 | 10 A. I'm sorry. Was there a question? 13:10 |
| 11 Union's legal staff will be involved in the defense of 13:06 | 11 Q. Yeah. 13:10 |
| 12 this claim? Did you read that when you reviewed the 13:06 | 12 MR. BROWN: Could the court reporter read that 13:10 |
| 13 order? 13:06 | 13 back, please. 13:10 |
| 14 A. Yes, I did. 13:06 | 14 MR. CENTO: That's okay. I can ask it again. 13:10 |
| 15 Q. Okay. But you don't know the answer to it? 13:07 | 15 MR. BROWN: Okay. 13:10 |
| 16 A. I know the members of the Trans Union's legal 13:07 | 16 BY MR. CENTO: 13:10 |
| 17 staff that are involved in the defense of this claim, 13:07 | 17 Q. My question was, again I'm asking about 13:11 |
| 18 but I did not make note of the date of filing of the 13:07 | 18 employees of Trans Union that are anticipated to have 13:11 |
| 19 claim, and I'm not sure exactly when this case was 13:07 | 19 relevant investigation about Mr. Watkins' claim. 13:11 |
| 20 filed. 13:07 | 20 Wouldn't the Trans Union employees who actually 13:11 |
| 21 Q. As of today, which members of the legal staff 13:07 | 21 processed plaintiff's disputes to Trans Union have 13:11 |
| 22 are involved? 13:07 | 22 relevant information about his -- about Mr. Watkins' 13:11 |
| 23 A. As of today, the members of the Trans Union's 13:07 | 23 claim? 13:11 |
| 24 legal staff involved in the defense of this case 13:07 | 24 A. So to the extent that Trans Union employees 13:11 |
| 25 are myself, Mr. John Blenke, that's B-L-E-N-K-E; 13:07 | 25 processed his disputes going back to I think 2007, those 13:11 |
| Page 7 | Page 9 |

| | |
|--|--|
| <p>1 records are captured in our Consumers Relations System. 13:11</p> <p>2 I don't know that we would necessarily need to identify 13:11</p> <p>3 the actual employees or whether they would be 13:11</p> <p>4 participating in our defense of this case. 13:11</p> <p>5 Q. Well, I'm not asking you -- okay. I'm not 13:11</p> <p>6 asking if you might use them for your defense. I'm 13:12</p> <p>7 asking if they would have relevant information. The 13:12</p> <p>8 employees who processed assuming there was -- they were 13:12</p> <p>9 employees of Trans Union who processed Mr. Watkins' 13:12</p> <p>10 disputes would have relevant information about those 13:12</p> <p>11 disputes. 13:12</p> <p>12 MR. BROWN: Object to form. 13:12</p> <p>13 THE WITNESS: Should I answer? 13:12</p> <p>14 MR. BROWN: If you can. 13:12</p> <p>15 THE WITNESS: I don't know that the 13:12</p> <p>16 individuals who specifically processed Mr. Watkins' 13:12</p> <p>17 disputes would remember processing his disputes. That 13:12</p> <p>18 is why we capture everything in our consumer relations 13:12</p> <p>19 system and that's why -- what Ms. Wilson would likely 13:12</p> <p>20 refer to if she is involved in our defense of this 13:12</p> <p>21 matter. 13:12</p> <p>22 BY MR. CENTO: 13:12</p> <p>23 Q. Well, plaintiff's counsel in these kinds of 13:12</p> <p>24 cases will from time to time take the depositions of the 13:13</p> <p>25 persons who had processed the disputes, right? 13:13</p> <p style="text-align: right;">Page 10</p> | <p>1 conduct litigation activity simply because we have such 13:14</p> <p>2 a longstanding relationship with this counsel, that they 13:14</p> <p>3 know how we want the litigation conducted. 13:14</p> <p>4 Q. And how do you want to conduct it? 13:15</p> <p>5 MR. BROWN: Object to form, attorney-client 13:15</p> <p>6 privilege. I'm going to instruct the witness not to 13:15</p> <p>7 answer. 13:15</p> <p>8 BY MR. CENTO: 13:15</p> <p>9 Q. Has Trans Union provided to outside counsel 13:15</p> <p>10 who handled claims like the claims in this case any 13:15</p> <p>11 manuals related to the manner in which outside counsel 13:15</p> <p>12 should conduct litigation activity? 13:15</p> <p>13 A. I think the only manuals we provided to 13:15</p> <p>14 outside counsel would fall under the category of 13:15</p> <p>15 policies and procedures manuals or training manuals that 13:16</p> <p>16 Trans Union uses that would be relevant to the defense 13:16</p> <p>17 of this matter. I'm not sure if that's what you're 13:16</p> <p>18 asking for. 13:16</p> <p>19 Q. I'm asking about manuals related to the manner 13:16</p> <p>20 in which outside counsel should conduct litigation 13:16</p> <p>21 activities? 13:16</p> <p>22 A. Well, I would view the manner in which they 13:16</p> <p>23 conduct litigation activity to include the information 13:16</p> <p>24 that they would rely on in defending Trans Union, but 13:16</p> <p>25 I'm not sure what you mean by the manner in which we 13:16</p> <p style="text-align: right;">Page 12</p> |
| <p>1 MR. BROWN: Object to form. 13:13</p> <p>2 If you know what plaintiff's counsel does 13:13</p> <p>3 generally. 13:13</p> <p>4 THE WITNESS: I think there are probably some 13:13</p> <p>5 plaintiff counsels who would seek to take the deposition 13:13</p> <p>6 of the individual operator who processed one of the 13:13</p> <p>7 plaintiff's disputes. 13:13</p> <p>8 BY MR. CENTO: 13:13</p> <p>9 Q. Has Trans Union provided to outside counsel 13:13</p> <p>10 who handled the plaintiff claims in this case any 13:13</p> <p>11 written instructions related to the manner in which 13:13</p> <p>12 outside counsel should conduct litigation activities? 13:13</p> <p>13 MR. BROWN: Object to form and also object 13:14</p> <p>14 that it's not the language that the Court used. 13:14</p> <p>15 MR. CENTO: Go ahead. 13:14</p> <p>16 THE WITNESS: So Trans Union's written -- I'm 13:14</p> <p>17 sorry. Can I have the question again, please. 13:14</p> <p>18 BY MR. CENTO: 13:14</p> <p>19 Q. Sure. 13:14</p> <p>20 Has Trans Union provided to outside counsel 13:14</p> <p>21 who handles claims like the claims in this case any 13:14</p> <p>22 written instructions related to the manner in which 13:14</p> <p>23 outside counsel should conduct litigation activities? 13:14</p> <p>24 A. No. I don't think we've given written 13:14</p> <p>25 instruction as to the manner in which they should 13:14</p> <p style="text-align: right;">Page 11</p> | <p>1 would ask them to conduct litigation activity. 13:16</p> <p>2 Q. That doesn't mean anything to you? You're not 13:16</p> <p>3 sure about that, the manner in which outside counsel 13:16</p> <p>4 should conduct litigation activity to you is not 13:17</p> <p>5 something that you understand? 13:17</p> <p>6 MR. BROWN: Object to form. 13:17</p> <p>7 THE WITNESS: Well, I have an understanding of 13:17</p> <p>8 it, but I'm not sure it's the same as your understanding 13:17</p> <p>9 of it. 13:17</p> <p>10 BY MR. CENTO: 13:17</p> <p>11 Q. What's your understanding? 13:17</p> <p>12 A. My understanding is that the manner of 13:17</p> <p>13 conducting our defense would refer to looking at our 13:17</p> <p>14 policies and procedures and training and system 13:17</p> <p>15 documentation and using that information in our defense. 13:17</p> <p>16 Q. What do all of those things have to do with 13:17</p> <p>17 litigation activities? 13:17</p> <p>18 MR. BROWN: Object to form, argumentative. 13:17</p> <p>19 THE WITNESS: Well, the defense of the 13:17</p> <p>20 litigation is what I would refer to as the litigation 13:17</p> <p>21 activities. 13:17</p> <p>22 BY MR. CENTO: 13:17</p> <p>23 Q. And the manuals you're talking about, the 13:17</p> <p>24 policies and procedures manuals which you're talking 13:17</p> <p>25 about, they're Trans Union operating policies and 13:17</p> <p style="text-align: right;">Page 13</p> |

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| 1 | procedures, right? | 13:17 |
| 2 | MR. BROWN: Objection. Object to form. It | 13:18 |
| 3 | doesn't correctly characterize the witness' earlier | 13:18 |
| 4 | testimony. | 13:18 |
| 5 | MR. CENTO: Go ahead. | 13:18 |
| 6 | THE WITNESS: I was referring to corporate | 13:18 |
| 7 | policies and procedures, system documentation, training | 13:18 |
| 8 | materials. I can't remember what else I said, but those | 13:18 |
| 9 | are the things that we provide to our outside counsel to | 13:18 |
| 10 | use in the defense of litigation against Trans Union. | 13:18 |
| 11 | BY MR. CENTO: | 13:18 |
| 12 | Q. Well, don't you provide those because they're | 13:18 |
| 13 | asked for in discovery? | 13:18 |
| 14 | MR. BROWN: Object to form. | 13:18 |
| 15 | THE WITNESS: Not exclusively. | 13:18 |
| 16 | BY MR. CENTO: | 13:18 |
| 17 | Q. Okay. Are there some manuals that you provide | 13:18 |
| 18 | exclusively for the purpose you just -- you were just | 13:18 |
| 19 | describing that aren't produced because they're | 13:18 |
| 20 | requested in discovery? | 13:18 |
| 21 | MR. BROWN: Object to form. | 13:18 |
| 22 | THE WITNESS: If I understand the question | 13:19 |
| 23 | you're asking, the manuals and documents that we provide | 13:19 |
| 24 | to our outside counsel to use in the defense of | 13:19 |
| 25 | litigation encompasses much more than what is typically | 13:19 |
| | Page 14 | |
| 1 | requested in discovery from case to case. | 13:19 |
| 2 | BY MR. CENTO: | 13:19 |
| 3 | Q. And -- and can you give me an example of a | 13:19 |
| 4 | manual that is more than that? | 13:19 |
| 5 | MR. BROWN: Object to form. I'm going to | 13:19 |
| 6 | instruct the witness not to -- not to answer. | 13:19 |
| 7 | MR. CENTO: You're -- you're asking her not | 13:19 |
| 8 | to -- you're telling her not to answer my question | 13:19 |
| 9 | asking her to identify one of these manuals? | 13:19 |
| 10 | MR. BROWN: Correct. We're not going to be | 13:19 |
| 11 | talking about any specific documents here whether by way | 13:19 |
| 12 | of example or otherwise. | 13:19 |
| 13 | MR. CENTO: Okay. Let's -- I disagree. Let's | 13:19 |
| 14 | see what the judge says. | 13:20 |
| 15 | MR. BROWN: Are we going to do that now? | 13:20 |
| 16 | MR. CENTO: Yeah. | 13:20 |
| 17 | MR. BROWN: Let us know when you have the | 13:20 |
| 18 | Court on the line. | 13:20 |
| 19 | MR. CENTO: As far as I'm concerned, we can go | 13:20 |
| 20 | off the record until -- until and when we get the Court | 13:20 |
| 21 | on the line. | 13:20 |
| 22 | MR. BROWN: Agreed. | 13:20 |
| 23 | THE VIDEOGRAPHER: We're going off the record. | 13:20 |
| 24 | The time is 1:17 p.m. | 13:20 |
| 25 | (Whereupon there was a brief | 13:20 |
| | Page 15 | |
| 1 | break, after which the | 13:20 |
| 2 | following proceedings were | 13:20 |
| 3 | had:) | 13:20 |
| 4 | THE VIDEOGRAPHER: We are back on the record. | 13:31 |
| 5 | The time is 1:29 p.m. Please, proceed. | 13:31 |
| 6 | BY MR. CENTO: | 13:31 |
| 7 | Q. So you won't identify any manuals, but can | 13:31 |
| 8 | you -- can -- I still don't understand what these | 13:31 |
| 9 | manuals are about. What is -- what is the subject of | 13:31 |
| 10 | these manuals? | 13:31 |
| 11 | MR. BROWN: Object to form. I'm not sure | 13:31 |
| 12 | that's a question. | 13:31 |
| 13 | BY MR. CENTO: | 13:31 |
| 14 | Q. Go ahead. | 13:32 |
| 15 | A. I believe the manuals to which I'm referring | 13:32 |
| 16 | would be manuals pertaining to policies and procedures | 13:32 |
| 17 | of Trans Union, system requirements or specifications | 13:32 |
| 18 | for Trans Union and training materials for Trans Union. | 13:32 |
| 19 | Q. You said system requirements, and then what | 13:32 |
| 20 | was after that? | 13:32 |
| 21 | A. Training materials. | 13:32 |
| 22 | Q. So policies and procedures for system | 13:32 |
| 23 | requirements or is policies and procedures a separate | 13:32 |
| 24 | category? | 13:32 |
| 25 | MR. BROWN: Object to form. I'm going to | 13:32 |
| | Page 16 | |
| 1 | suggest that the court reporter read back the answer. | 13:32 |
| 2 | MR. CENTO: No, no thank you. I don't need | 13:32 |
| 3 | the answer read back. You can have her read it back | 13:32 |
| 4 | when -- if you ask your question. | 13:32 |
| 5 | BY MR. CENTO: | 13:32 |
| 6 | Q. So my question was, you said policies and | 13:32 |
| 7 | procedures, and then you said system requirements and | 13:32 |
| 8 | these other things. Are you saying policies and | 13:33 |
| 9 | procedures about system requirements or is policies and | 13:33 |
| 10 | procedures a separate thing? | 13:33 |
| 11 | A. I was referring to policies and procedures | 13:33 |
| 12 | separately from the system requirements. | 13:33 |
| 13 | Q. Okay. So policies and procedures, system | 13:33 |
| 14 | requirements, training. Anything else? | 13:33 |
| 15 | A. Any system documentation. | 13:33 |
| 16 | Q. Anything else? | 13:33 |
| 17 | A. That's all I can think of at the moment. | 13:33 |
| 18 | Q. Okay. What -- what -- policies and procedures | 13:33 |
| 19 | about what? | 13:33 |
| 20 | A. Trans Union has numerous policies and | 13:33 |
| 21 | procedures pertaining to our compliance obligations | 13:33 |
| 22 | under the Fair Credit Reporting Act as well as policies | 13:33 |
| 23 | and procedures regarding operations. Those are probably | 13:33 |
| 24 | the two primary categories I can think of that we would | 13:34 |
| 25 | provide to outside counsel for use in defense of | 13:34 |
| | Page 17 | |

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|---|---|
| 1 litigation. 13:34 | 1 2:14-CV-135. Show that this matter is before 13:40 |
| 2 Q. And the compliance procedures, policies and 13:34 | 2 William Huffman, magistrate today, February 11th. It's 13:40 |
| 3 procedures that you talked about, are they the things 13:34 | 3 about 1:45. My understanding the parties are in the 13:40 |
| 4 that Trans Union should do in its operations to comply 13:34 | 4 middle of a deposition, and there is a question about 13:40 |
| 5 or are they specific about with outside litigation? 13:34 | 5 whether a particular question or series of questions 13:40 |
| 6 MR. BROWN: Object to form. If the witness 13:34 | 6 fall within some restrictions that the Court has 13:40 |
| 7 understands the question, she can answer. 13:34 | 7 proposed at document item 32, and that's my 13:40 |
| 8 THE WITNESS: I don't think the policies and 13:34 | 8 understanding, but I guess I'm not sure who -- who wants 13:40 |
| 9 procedures are written specifically with a view to 13:34 | 9 to carry the ball as to what I need to decide. 13:40 |
| 10 litigation. They are written more with a view to 13:34 | 10 John Cento, do you want to tell me from your 13:40 |
| 11 establish -- to determine what is required by the Fair 13:34 | 11 perspective what the -- what you think the issues are? 13:40 |
| 12 Credit Reporting Act, how Trans Union interprets those 13:34 | 12 MR. CENTO: Certainly, your Honor. If you 13:40 |
| 13 requirements and how our compliance with those 13:34 | 13 were to refer back to the order, Topic C was about 13:40 |
| 14 obligations and policies and procedures would avoid 13:35 | 14 written instructions or manuals related to the manner in 13:40 |
| 15 litigation. 13:35 | 15 which outside counsel conducts litigation activities 13:40 |
| 16 BY MR. CENTO: 13:35 | 16 that Trans Union has provided to its outside counsel. 13:40 |
| 17 Q. And operations, what are those policies and 13:35 | 17 So I asked that very question specific to whether they 13:40 |
| 18 procedures about? What about operations? 13:35 | 18 provided manuals, and the witness responded that they 13:40 |
| 19 A. So the policies and procedures that are 13:35 | 19 did provide manuals, and I asked the witness to identify 13:41 |
| 20 specific to different operations in the enterprise would 13:35 | 20 one of those manuals and was told no, and the witness 13:41 |
| 21 be more aimed to the mechanics of how to perform an 13:35 | 21 was instructed not to answer that question. 13:41 |
| 22 activity that's required or advisable under the Fair 13:35 | 22 THE COURT: Well, Brown, what would be your 13:41 |
| 23 Credit Reporting Act. 13:35 | 23 reason for finding that that did not fall within the 13:41 |
| 24 Q. Okay. Operations like handling a consumer's 13:35 | 24 scope of paragraph C? 13:41 |
| 25 dispute? 13:35 | 25 MR. BROWN: Your Honor, the Seventh Circuit 13:41 |
| Page 18 | Page 20 |
| 1 A. That might be an example. 13:35 | 1 has made very clear that when examining these issues, 13:41 |
| 2 Q. Would another example be how to process 13:36 | 2 you can talk generally, but you can't examine about the 13:41 |
| 3 furnisher data? 13:36 | 3 proprietary information itself in -- in the course of 13:41 |
| 4 THE COURT REPORTER: What's the word in front 13:36 | 4 trying to determine whether or not the attorney was in 13:41 |
| 5 of data? 13:36 | 5 position to receive proprietary information. 13:41 |
| 6 THE WITNESS: Furnisher. 13:36 | 6 THE COURT: All right. But my understanding 13:41 |
| 7 I think there is some furnisher data 13:36 | 7 of the question is to identify the manuals, not to 13:41 |
| 8 processing documentation we have provided to outside 13:36 | 8 disclose their contents. It would be my understanding 13:42 |
| 9 counsel. That wasn't specifically what I was thinking 13:36 | 9 that one of the areas that we would have to deal with 13:42 |
| 10 of, but there probably are documents and policies around 13:36 | 10 here is whether manuals were provided in -- in 2005 or 13:42 |
| 11 that in the -- in the totality of what we have provided 13:36 | 11 before and whether there have been subsequent changes or 13:42 |
| 12 to outside counsel for defense purposes. 13:36 | 12 not to those manuals. I think my understanding of 13:42 |
| 13 MR. CENTO: I have the what I -- what I 13:36 | 13 paragraph C and the question asked is that the witness 13:42 |
| 14 believe is the judge calling on the other line. Could 13:36 | 14 would be required to describe or name or -- or delete. 13:42 |
| 15 you hold for just a second. 13:36 | 15 This is a manual that was given to counsel during the 13:42 |
| 16 Would you go off the record, please. 13:36 | 16 period of 2000X to 2000Y, and its title is X, and then 13:42 |
| 17 THE VIDEOGRAPHER: We are going off the 13:36 | 17 if the question was, have there been amendments to that 13:42 |
| 18 record. The time is 1:34 p.m. 13:37 | 18 document that have been provided to counsel between then 13:42 |
| 19 (Whereupon there was a brief 13:37 | 19 and now, the answer -- if the answer is no, then that's 13:42 |
| 20 break, after which the 13:37 | 20 one issue. If the answer is yes, then I would expect 13:42 |
| 21 following proceedings were 13:37 | 21 the witness to identify what is the nature, when -- was 13:42 |
| 22 had:) 13:37 | 22 the change made, what is -- what is the change made. It 13:43 |
| 23 (Whereupon a discussion was off 13:37 | 23 may not have to be a, you know, a determination at this 13:43 |
| 24 the video record.) 13:37 | 24 stage of whether the contents are there, but the 13:43 |
| 25 THE COURT: Let's show that this is cause 13:39 | 25 question is whether there has been a substantial change 13:43 |
| Page 19 | Page 21 |

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| <p>1 in instructions. 13:43</p> <p>2 So my understanding, Will, is that I would 13:43</p> <p>3 overrule the objection to identifying the manuals in 13:43</p> <p>4 some manner, identifying what's their title, during what 13:43</p> <p>5 periods of time they were in effect, what periods of 13:43</p> <p>6 time they changed, if any. Obviously, the question of 13:43</p> <p>7 what does manual A say and what does manual B say, I 13:43</p> <p>8 understand your objection to those cases -- those issues 13:43</p> <p>9 might be well taken at least as being premature, but at 13:43</p> <p>10 this stage, I certainly would allow a definition of what 13:43</p> <p>11 documents are out there to be answered as a part of the 13:43</p> <p>12 deposition. At least that was my intent in framing 13:44</p> <p>13 category C in that manner. 13:44</p> <p>14 MR. BROWN: Your -- your Honor, respectfully, 13:44</p> <p>15 it's Trans Union's position that the existence or 13:44</p> <p>16 nonexistence of a specific manual identified by name 13:44</p> <p>17 after the witness has already said that these are not 13:44</p> <p>18 exclusively manuals that are produced in discovery but 13:44</p> <p>19 provided to outside counsel for purposes of defending 13:44</p> <p>20 litigation, that even identifying what exists and what 13:44</p> <p>21 doesn't and naming specific manuals would be outside the 13:44</p> <p>22 discovery permissible under the Seventh Circuit 13:44</p> <p>23 precedent. 13:44</p> <p>24 THE COURT: Well, you did not file an 13:44</p> <p>25 objection within ten days of the Magistrate's order of 13:44</p> <p style="text-align: right;">Page 22</p> | <p>1 THE COURT: Yeah. Okay? So questions of that 13:45</p> <p>2 nature is what I try to let you finish the deposition 13:46</p> <p>3 on. I do not generally referee depositions question by 13:46</p> <p>4 question, and my problem is I have another conference 13:46</p> <p>5 coming up shortly that I won't be able to stay on this 13:46</p> <p>6 one very long with. So I think I'd like to see how you 13:46</p> <p>7 guys will go forward in a good lawyerly manner and see 13:46</p> <p>8 if you can resolve it, but I will be around today, and I 13:46</p> <p>9 will be in and out of various conferences. So if you 13:46</p> <p>10 get stuck on another question, you can let me know. You 13:46</p> <p>11 need to call the area code (812) 434-6430 number to let 13:46</p> <p>12 us know that you've got a problem and then we would put 13:46</p> <p>13 you back on this number to the extent we need to go on 13:46</p> <p>14 the record someplace. Okay? 13:46</p> <p>15 MR. BROWN: Understood, your Honor. 13:46</p> <p>16 THE COURT: Okay. Great. All right. Well, 13:46</p> <p>17 you guys good luck on that one and keep plowing away 13:47</p> <p>18 and -- and we'll go from there. Okay? 13:47</p> <p>19 MR. BROWN: Thank you, sir. 13:47</p> <p>20 MR. CENTO: Thank you, your Honor. 13:47</p> <p>21 THE COURT: Okay. Thanks. Sure. Bye-bye. 13:47</p> <p>22 MR. BROWN: John, I suggest that we take a 13:47</p> <p>23 break. 13:47</p> <p>24 MR. CENTO: I prefer not to. I'd like to have 13:47</p> <p>25 her answer -- find out if she's going to answer the 13:47</p> <p style="text-align: right;">Page 24</p> |
| <p>1 December 14th, did you? 13:44</p> <p>2 MR. BROWN: I did not. 13:44</p> <p>3 THE COURT: Okay. Then that's a matter 13:44</p> <p>4 that you've -- you've not filed a timely objection. I'm 13:44</p> <p>5 going to overrule your objection. Now -- now, of course 13:44</p> <p>6 -- well, you can go ahead and order that person not to 13:44</p> <p>7 answer those questions and then they'll need to be 13:45</p> <p>8 certified, and then if there's a further motion to 13:45</p> <p>9 compel, I'll have to take under advisement whether at 13:45</p> <p>10 this stage I believe that that was an improper objection 13:45</p> <p>11 and if it was, whether any sanctions have to be ordered 13:45</p> <p>12 by way of attorneys fees for the further motion to 13:45</p> <p>13 compel. 13:45</p> <p>14 So I think that's where you are well at this 13:45</p> <p>15 stage is, you're too late to change the nature of the 13:45</p> <p>16 order. I'm interpreting the order -- my understanding 13:45</p> <p>17 of the order that was given. You, obviously, can do 13:45</p> <p>18 whatever you need to do to protect your client's 13:45</p> <p>19 interest, but it is likely that I would find your 13:45</p> <p>20 objection to be not well taken and it is fairly likely 13:45</p> <p>21 that I would then issue some sort of costs with respect 13:45</p> <p>22 to a motion to compel, unless -- well, that's something 13:45</p> <p>23 obviously, you have the right to do. 13:45</p> <p>24 MR. BROWN: Yes, sir. I appreciate the 13:45</p> <p>25 Court's guidance. 13:45</p> <p style="text-align: right;">Page 23</p> | <p>1 question before you two walk out of the room. 13:47</p> <p>2 MR. BROWN: All right. Does the court 13:47</p> <p>3 reporter want to read back the question or how do you 13:47</p> <p>4 want to handle that? 13:47</p> <p>5 MR. CENTO: I'll just ask the question again. 13:47</p> <p>6 So back on the record. 13:47</p> <p>7 THE VIDEOGRAPHER: We are back on the record. 13:47</p> <p>8 The time is 1:45 p.m. Please, proceed. 13:47</p> <p>9 BY MR. CENTO: 13:47</p> <p>10 Q. So you've been telling me about the manuals 13:47</p> <p>11 that are provided to outside counsel in response to a 13:48</p> <p>12 question I asked you earlier paragraph C from the order 13:48</p> <p>13 identify one of those manuals for me. 13:48</p> <p>14 A. One of the manuals to which I was referring 13:48</p> <p>15 probably isn't best categorized as a manual, but we 13:48</p> <p>16 refer to it internally as the CRS Online Help 13:48</p> <p>17 Documentation. 13:48</p> <p>18 Q. Can you identify any other manuals other than 13:48</p> <p>19 that? 13:48</p> <p>20 A. I believe another example of documentation we 13:48</p> <p>21 provide to outside counsel is the online dispute 13:48</p> <p>22 automation business requirements. 13:49</p> <p>23 Q. Okay. Any others? 13:49</p> <p>24 A. Another example I can think of would be -- I 13:49</p> <p>25 don't know the correct title for it, but I would refer 13:49</p> <p style="text-align: right;">Page 25</p> |

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| 1 to it as our subject selection documentation. 13:49 | 1 automation business requirements. 14:00 |
| 2 Q. Any others? 13:49 | 2 Q. That's it. What's that about? 14:00 |
| 3 A. Well, we have several hundred compliance 13:49 | 3 A. Those would be the business rules that are 14:00 |
| 4 policies or SOPs. I don't know for sure which of those 13:49 | 4 used in the online dispute processing system we make 14:00 |
| 5 we would have provided to outside counsel. Some of 13:49 | 5 available for consumers to go online on the internet and 14:00 |
| 6 these would be provided, though, in connection with 13:49 | 6 make a dispute, and those rules are intended to 14:00 |
| 7 defense of a specific matter and others would be 13:49 | 7 replicate what an agent would do if the consumer either 14:00 |
| 8 provided just to get counsel's input on a draft 13:49 | 8 called in on our toll free number or wrote in to us with 14:01 |
| 9 document. 13:49 | 9 his dispute. 14:01 |
| 10 Q. Anything else? 13:49 | 10 Q. Is that document ever produced in litigation? 14:01 |
| 11 A. Nothing I can think of at the moment. 13:50 | 11 A. I don't know. But I do know it has been 14:01 |
| 12 MR. CENTO: We can take that break now. 13:50 | 12 reviewed with outside defense counsel. 14:01 |
| 13 MR. BROWN: Thank you. 13:50 | 13 Q. What about the subject selection 14:01 |
| 14 THE VIDEOGRAPHER: We are going off the 13:50 | 14 documentation? 14:01 |
| 15 record. The time is 1:47 p.m. 13:57 | 15 A. That again -- 14:01 |
| 16 (Whereupon there was a brief 13:57 | 16 Q. What's that about? 14:01 |
| 17 break, after which the 13:57 | 17 A. I'm sorry. 14:01 |
| 18 following proceedings were 13:57 | 18 Q. I just said what's that about? 14:01 |
| 19 had.) 13:57 | 19 A. That is the documentation of Trans Union's 14:01 |
| 20 THE VIDEOGRAPHER: We are back on the record. 13:58 | 20 proprietary matching logic that describes how we would 14:01 |
| 21 The time is 1:56 p.m., Please, proceed. 13:58 | 21 apply different matching routines to different inputs 14:01 |
| 22 BY MR. CENTO: 13:58 | 22 and data on the file to determine whether data matches 14:01 |
| 23 Q. What is the CRS Online Help Documentation 13:58 | 23 and should be added to the file of a consumer or to 14:01 |
| 24 about? 13:58 | 24 determine whether we should return a credit report when 14:01 |
| 25 MR. BROWN: Object to form and object to 13:58 | 25 one is requested. It's the area that Lynn Romanowski 14:02 |
| Page 26 | Page 28 |
| 1 outside the scope, but I'm going to allow the witness to 13:58 | 1 has been involved in. 14:02 |
| 2 answer. 13:58 | 2 Q. Is that document ever produced in litigation? 14:02 |
| 3 THE WITNESS: That's the documentation that 13:58 | 3 A. I guess just to clarify, I don't think it's 14:02 |
| 4 was initially created around the time the -- of the Fact 13:58 | 4 one documents. It's hundreds of documents documenting 14:02 |
| 5 Act amendments to the Fair Credit Reporting Act. So I 13:58 | 5 the different business rules, and I don't know for 14:02 |
| 6 want to say it was the 2002-2003 time frame, and that's 13:59 | 6 certain what portions of that have and have not been 14:02 |
| 7 all the documentation that's used to train consumer 13:59 | 7 produced. 14:02 |
| 8 relations operators. It includes resources for the 13:59 | 8 Q. But do you understand that some have been 14:02 |
| 9 operators to refer while they're processing a consumer's 13:59 | 9 produced? 14:02 |
| 10 request. It has system screen shots. It's a very 13:59 | 10 MR. BROWN: Object to form, mischaracterizes 14:02 |
| 11 voluminous set of documents, but that's what I was 13:59 | 11 the witness' earlier testimony. 14:02 |
| 12 referring to when I said the CRS Online Help Center. 13:59 | 12 BY MR. CENTO: 14:02 |
| 13 BY MR. CENTO: 13:59 | 13 Q. Go ahead. 14:02 |
| 14 Q. Is that document or parts of it ever produced 13:59 | 14 A. I would have -- I would only be guessing or 14:02 |
| 15 in litigation? 13:59 | 15 speculating. I don't know for certain whether any of 14:02 |
| 16 MR. BROWN: Excuse me? Object to form. The 13:59 | 16 that has been produced. 14:02 |
| 17 witness can answer, if she knows. 13:59 | 17 Q. When you mention hundreds of compliance 14:02 |
| 18 THE WITNESS: I don't know. 13:59 | 18 policies, any of those compliance policies -- would any 14:03 |
| 19 BY MR. CENTO: 13:59 | 19 of them contain information relevant to this case? 14:03 |
| 20 Q. Would the online dispute automation -- what 14:00 | 20 MR. BROWN: Object to form. The witness can 14:03 |
| 21 was that again? Online disputes? My notes are a little 14:00 | 21 answer, if she knows. 14:03 |
| 22 fuzzy. You said -- the second manual you identified -- 14:00 | 22 THE WITNESS: Yes. 14:03 |
| 23 you called it online disputes, consumer something 14:00 | 23 BY MR. CENTO: 14:03 |
| 24 business. Do you know which one I'm talking about? 14:00 | 24 Q. Okay. Which ones contain information relevant 14:03 |
| 25 A. I think I mentioned the online dispute 14:00 | 25 to this case? 14:03 |
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| 1 A. I would imagine that the policies and 14:03 | 1 represent us sometimes as local counsel in a particular 14:06 |
| 2 procedures that relate -- or the compliance policies 14:03 | 2 part of the country. 14:07 |
| 3 that relate to processing a consumer's dispute as 14:03 | 3 Q. What firms are those? 14:07 |
| 4 required by the Fair Credit Reporting Act within the 14:03 | 4 A. We used to use a firm in the Philadelphia area 14:07 |
| 5 appropriate time frames with the communication of the 14:03 | 5 that I don't believe exists anymore. You may recall 14:07 |
| 6 information as required by the Fair Credit Reporting 14:03 | 6 the -- the partner Mark Cogan and a lawyer named 14:07 |
| 7 Act, I think those policies and procedures would be 14:03 | 7 Bruce Luckman who worked at that firm did some work for 14:07 |
| 8 relevant. 14:03 | 8 us and Mr. Luckman still -- still works as outside 14:07 |
| 9 Q. Anything else? 14:03 | 9 counsel for us on some matters. There's a firm in 14:07 |
| 10 A. There are probably some policies and 14:04 | 10 California that acts as local counsel on certain 14:07 |
| 11 procedures that would be relevant to the Fair Credit 14:04 | 11 matters. A lawyer named Don Bradley. I don't recall 14:07 |
| 12 Reporting Act provisions regarding reasonable procedures 14:04 | 12 his firm's name, though. I don't recall who else. 14:07 |
| 13 to assure maximum possible accuracy. I would imagine 14:04 | 13 Q. All right. Can you think of any -- any other 14:08 |
| 14 some of those would be relevant. 14:04 | 14 manuals which you haven't told me about that would be 14:08 |
| 15 Q. Anything else? 14:04 | 15 included in these group of manuals you give to outside 14:08 |
| 16 A. Nothing I can think of at the moment. 14:04 | 16 counsel that relate to the manner in which outside 14:08 |
| 17 Q. The policies and procedures that relate to the 14:04 | 17 counsel should conduct litigation activities? 14:08 |
| 18 processing consumer disputes you just mentioned, are 14:04 | 18 MR. BROWN: Object to form and object on the 14:08 |
| 19 those ever produced in litigation? 14:04 | 19 basis that it mischaracterizes the witness' earlier 14:08 |
| 20 A. I don't know. 14:04 | 20 testimony. 14:08 |
| 21 Q. The policies and procedures that relate to 14:05 | 21 BY MR. CENTO: 14:08 |
| 22 FCRA, the FCRA regarding reasonable procedures, are they 14:05 | 22 Q. Go ahead. 14:08 |
| 23 ever produced in litigation? 14:05 | 23 A. So I can't think of anything specifically, but 14:08 |
| 24 A. I don't know. 14:05 | 24 I know that we are regularly -- sorry. Is that -- 14:08 |
| 25 Q. So is the reason that you don't know why -- 14:05 | 25 MR. BROWN: Are you still there, John? 14:08 |
| Page 30 | Page 32 |
| 1 whether or not these policies -- these manuals are ever 14:05 | 1 MR. CENTO: Yeah, I'm here. 14:08 |
| 2 produced in litigation, is that because you don't 14:05 | 2 MR. BROWN: We got a beeping on our end. 14:08 |
| 3 usually get involved in the discovery process in these 14:05 | 3 MR. CENTO: Oh, I didn't hear. 14:08 |
| 4 cases? 14:05 | 4 MR. BROWN: Sorry. Maybe that was feedback on 14:08 |
| 5 MR. BROWN: Object to form. 14:05 | 5 our phone. I'm sorry. I lost my train of thought. 14:09 |
| 6 THE WITNESS: The reason I don't know what is 14:05 | 6 I can't think of any manual specifically, but 14:09 |
| 7 specifically produced is because we rely on the two or 14:05 | 7 I know that over the years, we have reviewed a lot of 14:09 |
| 8 three outside firms that we've used for the past 14:05 | 8 our internal documentation with our litigation defense 14:09 |
| 9 probably close to 20 years to handle the day-to-day 14:05 | 9 counsel to get their feedback on mitigation strategies 14:09 |
| 10 discovery. They don't have to check with us on every 14:06 | 10 and compliance strategies but I just -- at the moment I 14:09 |
| 11 single thing they do because we've had such a 14:06 | 11 can't think of any specific documents by name. 14:09 |
| 12 longstanding relationship. 14:06 | 12 BY MR. CENTO: 14:09 |
| 13 BY MR. CENTO: 14:06 | 13 Q. Okay. So the policies and procedures manuals, 14:09 |
| 14 Q. Who are the two or three outside firms 14:06 | 14 the ones about compliance and the FCRA and the 14:09 |
| 15 currently? 14:06 | 15 operations that you told me about, did you give those to 14:09 |
| 16 A. Currently, the two primary firms we use is 14:06 | 16 outside counsel in 2005 or -- 14:10 |
| 17 Schuckit & Associates. And Strasburger & Price out of 14:06 | 17 A. I think we have -- 14:10 |
| 18 Texas. 14:06 | 18 Q. Or before? 14:10 |
| 19 Q. And who were they in 2005? 14:06 | 19 A. I apologize I didn't catch the end of your 14:10 |
| 20 A. The same firms, I believe. 14:06 | 20 question. 14:10 |
| 21 Q. The same two firms? 14:06 | 21 Q. Or before? 14:10 |
| 22 A. Yes. 14:06 | 22 A. I think parts of the consumer relations 14:10 |
| 23 Q. There weren't any other firms? 14:06 | 23 documentation were definitely reviewed with defense 14:10 |
| 24 A. They've always been a few other firms on 14:06 | 24 counsel prior to 2005. I think we elicited input on 14:10 |
| 25 the -- on the defense team we use. And they still 14:06 | 25 that documentation when it was drafted. In fact, I 14:10 |
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| <p>1 think there are other policies and procedures documents 14:10</p> <p>2 that we have reviewed with outside counsel prior to 14:10</p> <p>3 2005. I don't know about the system documentation that 14:10</p> <p>4 I mentioned regarding the online dispute automation. 14:10</p> <p>5 That may have -- I don't recall when that was drafted. 14:10</p> <p>6 Q What about the system requirements manuals, 14:11</p> <p>7 are those provided to outside counsel prior to 2000 -- 14:11</p> <p>8 2005 and before? 14:11</p> <p>9 A. I think versions of the CRS system 14:11</p> <p>10 documentation was provided to our defense counsel. I 14:11</p> <p>11 think prior versions of the -- what's now called the 14:11</p> <p>12 e-Oscar -- that's the letter E and the word "Oscar" -- 14:11</p> <p>13 dispute processing documentation was probably provided 14:11</p> <p>14 to outside counsel. So I think those system documents 14:11</p> <p>15 or portions thereof would have been provided to outside 14:11</p> <p>16 counsel at the time they were created. 14:12</p> <p>17 Q. But between manuals -- 14:12</p> <p>18 A. Consumer relations training is part of the 14:12</p> <p>19 CRS online system. So, yes, portions of that would 14:12</p> <p>20 definitely have been reviewed by outside counsel prior 14:12</p> <p>21 to 2005. 14:12</p> <p>22 Q. How about the system documentation? 14:12</p> <p>23 A. I'm sorry. I didn't catch the question. 14:12</p> <p>24 Q. What about the system documentation? 14:12</p> <p>25 A. The CRS system documentation is also part of 14:12</p> <p style="text-align: right;">Page 34</p> | <p>1 THE WITNESS: I think system documentation is 14:14</p> <p>2 updated to reflect updates to software or platforms. 14:14</p> <p>3 So, for example, a screen shot might need to be updated 14:14</p> <p>4 if the screen looks different as a result of a software 14:14</p> <p>5 upgrade and in terms of compliance policies and 14:14</p> <p>6 procedures, new policies and procedures are drafted and 14:14</p> <p>7 added to the compendium to reflect new requirements 14:15</p> <p>8 either arising from litigation or arising from changes 14:15</p> <p>9 in law or industry practices that we observe. 14:15</p> <p>10 Q. Okay. When in particular were the compliance 14:15</p> <p>11 manuals revised to reflect updates in law? 14:15</p> <p>12 A. So compliant -- the compliance policies and 14:15</p> <p>13 procedures, again, we don't specifically put them in a 14:15</p> <p>14 paper manual. They're maintained on an online basis, 14:15</p> <p>15 and those are -- those policies are typically either 14:15</p> <p>16 updated or new policies are written and added to the 14:15</p> <p>17 online inventory of policies and procedures based on 14:15</p> <p>18 changes to law. So, for example, when the Dodd-Frank 14:16</p> <p>19 law passed, a lot of references in our documentation to 14:16</p> <p>20 the Federal Trade Commission had to be updated to refer 14:16</p> <p>21 to the CFPB. 14:16</p> <p>22 Q. As you sit here today, do you know -- could 14:16</p> <p>23 you identify and tell me each time that document is 14:16</p> <p>24 updated? 14:16</p> <p>25 A. No, I can't. 14:16</p> <p style="text-align: right;">Page 36</p> |
| <p>1 that CRS online document. So portions of that also 14:12</p> <p>2 would have been provided to outside counsel prior to 14:12</p> <p>3 2005. 14:12</p> <p>4 Q. Of the portions of the CRS system 14:12</p> <p>5 documentation that you say were provided to counsel 14:12</p> <p>6 before 2005, have those changed? 14:13</p> <p>7 MR. BROWN: Object to form. 14:13</p> <p>8 THE WITNESS: So the system documentation that 14:13</p> <p>9 was drafted at the time -- I'm sorry. The CRS online 14:13</p> <p>10 help documentation that was drafted around the time of 14:13</p> <p>11 the Fact Act is constantly being reviewed and 14:13</p> <p>12 incremental updates are made to that documentation to 14:13</p> <p>13 reflect changes in law or business practices, so -- or 14:13</p> <p>14 to improve the wording to make it more easy for the 14:13</p> <p>15 agents to understand it. We get feedback during the 14:13</p> <p>16 training process that an agent might not understand 14:13</p> <p>17 something. So it's redrafted to be more clear. So, 14:14</p> <p>18 yes, there are updates to that documentation on an 14:14</p> <p>19 ongoing basis. 14:14</p> <p>20 Q. What about the compliance policies and 14:14</p> <p>21 procedures and the operations policies and procedures, 14:14</p> <p>22 you said some of them -- some of those manuals were 14:14</p> <p>23 given to outside counsel before 2005. Had those changed 14:14</p> <p>24 since 2005? 14:14</p> <p>25 MR. BROWN: Object to form. 14:14</p> <p style="text-align: right;">Page 35</p> | <p>1 Q. Is it like the other manuals that we were just 14:16</p> <p>2 talking about, updated on an ongoing basis? 14:16</p> <p>3 A. The compliance policies and procedures? 14:16</p> <p>4 Q. Yes. 14:16</p> <p>5 A. Well, there was a big update effort to change 14:16</p> <p>6 the references from the FTC to the CFPB when Dodd-Frank 14:16</p> <p>7 passed, but other than that, those rarely get updated. 14:17</p> <p>8 Typically maybe just a new policy would be added to the 14:17</p> <p>9 inventory of policies. 14:17</p> <p>10 So, for example, a new State law passes that 14:17</p> <p>11 changes the price of a security freeze for a consumer. 14:17</p> <p>12 A new policy would be published to reflect that. Or the 14:17</p> <p>13 CFPB changes the price that we can charge a consumer for 14:17</p> <p>14 a disclosure. A policy would be updated to reflect 14:17</p> <p>15 that, but the core of the policies and procedures, 14:17</p> <p>16 we've -- we've never gone and done a rewrite of those. 14:17</p> <p>17 That's remained pretty consistent. 14:17</p> <p>18 Q. When was the Dodd-Frank related update made? 14:17</p> <p>19 A. I think Dodd-Frank passed in 2010, and the 14:17</p> <p>20 CFPB was -- or began operations in 2011. So I think 14:17</p> <p>21 that we made a number of updates in the late 2010, early 14:18</p> <p>22 2011 time frame to reflect that the CFPB was now going 14:18</p> <p>23 to receive certain reports and information that 14:18</p> <p>24 previously the Federal Trade Commission had received. 14:18</p> <p>25 Q. In 2012, the CFPB issued a supervision and 14:18</p> <p style="text-align: right;">Page 37</p> |

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| <p>1 examination manual. Are you familiar with that? 14:18</p> <p>2 A. Yes, I am. 14:18</p> <p>3 Q. The policies and procedures that we're talking 14:18</p> <p>4 about updated to reflect the supervision and examination 14:18</p> <p>5 manual as issued by the CFPB? 14:18</p> <p>6 A. I don't think -- sorry. Let me rephrase that. 14:18</p> <p>7 Trans Union did create some new policies and procedures. 14:18</p> <p>8 For example, regarding third-party oversight in response 14:18</p> <p>9 to the CFPB supervision and examination manual. I don't 14:18</p> <p>10 know if those particular policies and procedures were 14:18</p> <p>11 ever reviewed with outside counsel because I don't think 14:19</p> <p>12 they're particularly relevant to litigation, but I'm not 14:19</p> <p>13 completely certain of that. 14:19</p> <p>14 Q. How do these updates get to outside counsel? 14:19</p> <p>15 A. It can get to outside counsel in a number of 14:19</p> <p>16 ways. So we have -- as long as I can remember had an I 14:19</p> <p>17 want to say annual, but we might have missed a year here 14:19</p> <p>18 or there summit with our primary defense counsel where 14:19</p> <p>19 they've come in either to our Chicago headquarters or to 14:19</p> <p>20 one of our consumer assistant centers for a couple day 14:19</p> <p>21 meeting to talk about strategy, to talk about policies 14:19</p> <p>22 and procedures, to talk about what kind of claims we're 14:19</p> <p>23 seeing where they would make suggestions to us to 14:19</p> <p>24 mitigate risk, and in those summit meetings, we would 14:20</p> <p>25 typically review either recent updates or proposed 14:20</p> <p style="text-align: right;">Page 38</p> | <p>1 they're an online based document. They're not written 14:22</p> <p>2 in a manual. How do the outside counsel see an online 14:22</p> <p>3 based document, if it's not written in a manual? 14:22</p> <p>4 MR. BROWN: Object to form and also object 14:22</p> <p>5 that it mischaracterize the witness' prior testimony. 14:22</p> <p>6 BY MR. CENTO: 14:22</p> <p>7 Q. Go ahead. 14:22</p> <p>8 A. So many of the documents I refer to are 14:22</p> <p>9 maintained electronically. So either a screen shot of 14:22</p> <p>10 the document or we can make a PDF of the documents and 14:22</p> <p>11 send those electronically to outside counsel. And then, 14:22</p> <p>12 again, when outside counsel is working in our premises 14:22</p> <p>13 with our witnesses or employees in defending a case, 14:22</p> <p>14 they've got access to our online -- our online 14:22</p> <p>15 documentation right along with the Trans Union employee. 14:22</p> <p>16 We also share some -- some documents 14:22</p> <p>17 through -- I don't know the name of the litigation 14:22</p> <p>18 systems we're using write now, but I know there's been a 14:22</p> <p>19 way to share documents through an online internet 14:23</p> <p>20 based -- or web-based software, but we've changed the 14:23</p> <p>21 platforms we've used over the years for how we share 14:23</p> <p>22 those documents. 14:23</p> <p>23 Q. These compliance manuals that you're talking 14:23</p> <p>24 about, are any of them relevant to the claims brought by 14:23</p> <p>25 Mr. Watkins in this case? 14:23</p> <p style="text-align: right;">Page 40</p> |
| <p>1 updates with our outside counsel to get their feedback. 14:20</p> <p>2 That's one way. 14:20</p> <p>3 Another way we would convey updates would be 14:20</p> <p>4 after we publish an update or publish a new policy, we 14:20</p> <p>5 would typically send it to outside counsel, particularly 14:20</p> <p>6 if we thought it was relevant to, you know, defense 14:20</p> <p>7 strategy or defending a particular group of cases that 14:20</p> <p>8 they're handling for us. And then I think, 14:20</p> <p>9 periodically, when our outside counsel have brought on 14:20</p> <p>10 new associates, we've -- we've done some specific 14:20</p> <p>11 training and review of policies and procedures with the 14:20</p> <p>12 lawyers at the firm just to make sure everybody is up to 14:20</p> <p>13 date on what documentation we have and what resources 14:20</p> <p>14 are available to the firm in the defense of our 14:21</p> <p>15 litigation. 14:21</p> <p>16 Q. And how long have you been following that 14:21</p> <p>17 practice, since before or after 2005? 14:21</p> <p>18 MR. BROWN: Object to form. 14:21</p> <p>19 THE WITNESS: I believe we've been having the 14:21</p> <p>20 summits going back into the 1990. Certainly since I can 14:21</p> <p>21 remember those types of meetings and then I think we've 14:21</p> <p>22 been sending documents and updates and having reviews I 14:21</p> <p>23 think going back at least to the year 2000. 14:21</p> <p>24 BY 14:21</p> <p>25 Q. You said that the compliance documents are -- 14:21</p> <p style="text-align: right;">Page 39</p> | <p>1 MR. BROWN: Object to form. 14:23</p> <p>2 THE WITNESS: Well, I think that -- I'm not 14:23</p> <p>3 sure how this question is different than the one we 14:23</p> <p>4 talked about before, but I think the policies around 14:23</p> <p>5 dispute handling and the requirements, the Fair Credit 14:23</p> <p>6 Reporting Act and probably the policies around 14:23</p> <p>7 reasonable procedures to ensure maximum possible 14:23</p> <p>8 accuracy, those policies are relevant to pretty much 14:23</p> <p>9 every lawsuit that's filed against Trans Union. 14:23</p> <p>10 Q. I was actually -- I know I asked you that 14:23</p> <p>11 question about the dispute handling policies, but I was 14:24</p> <p>12 actually hoping you would focus on these online 14:24</p> <p>13 compliance manuals. What's in there that's relevant to 14:24</p> <p>14 any of the claims in this case? 14:24</p> <p>15 MR. BROWN: Object to form. 14:24</p> <p>16 THE WITNESS: I believe there's a policy, a 14:24</p> <p>17 compliance policy, document that relates to the dispute 14:24</p> <p>18 obligations in the Fair Credit Reporting Act with 14:24</p> <p>19 respect to timing, so -- or determining whether a 14:24</p> <p>20 dispute is frivolous or determining how many days we 14:24</p> <p>21 have to open an investigation, how many days we have to 14:24</p> <p>22 respond to the consumer. Those types of requirements 14:24</p> <p>23 from the Fair Credit Reporting Act is documented in 14:24</p> <p>24 compliance policies. Is that -- is that what you were 14:24</p> <p>25 asking about? 14:25</p> <p style="text-align: right;">Page 41</p> |

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| 1 Q. Sure. 14:25 | 1 an update because the screen shots had to change so that 14:29 |
| 2 Any others that you can think of? 14:25 | 2 the furnisher would know that there was an associated 14:29 |
| 3 A. With respect to dispute handling, I can't 14:25 | 3 image available that related to the disputes and they 14:29 |
| 4 think of anything at the moment. 14:25 | 4 would be able to link over to that image while they were 14:29 |
| 5 Q. Not with respect to dispute handling. My 14:25 | 5 investigating the dispute that we had sent to the 14:29 |
| 6 question is about these online compliance manuals that 14:25 | 6 furnisher. So, yes, that's an example of a change 14:29 |
| 7 you've been telling me about. 14:25 | 7 because the screen shots -- the screens have changed for 14:29 |
| 8 A. So -- 14:25 | 8 the users. So the screen shots in the documentation 14:29 |
| 9 Q. Anything -- anything else in there that you 14:25 | 9 needed to be updated. 14:29 |
| 10 think is relevant to this lawsuit? 14:25 | 10 Q. In an effort to convey, it's more than just 14:29 |
| 11 MR. BROWN: Object to form. 14:25 | 11 the screens, right, the actual -- this was a pretty big 14:29 |
| 12 THE WITNESS: Well, for example, our 14:25 | 12 change, right, being able to add images to disputes? 14:29 |
| 13 compliance department issues policies on how data 14:25 | 13 MR. BROWN: Object to form, argumentative. 14:30 |
| 14 furnishers should be vetted and that potentially is 14:25 | 14 THE WITNESS: Well, I guess in terms of 14:30 |
| 15 indirectly relevant to the investigation we conduct with 14:25 | 15 magnitude of change, I think some -- we didn't view it 14:30 |
| 16 a data furnisher on information that's disputed. I'm 14:25 | 16 as a huge change in terms of what our agents do because 14:30 |
| 17 not sure whether that's specifically relevant to this 14:26 | 17 our agents would already categorize the consumer's 14:30 |
| 18 lawsuit. There are also policies around how long data 14:26 | 18 dispute and summarize it in a free-form text field, and 14:30 |
| 19 is retained on the database. There are policies around 14:26 | 19 a lot of the documents don't have any material 14:30 |
| 20 what consumer identification is required to make a 14:26 | 20 incremental value to that process, but in terms of what 14:30 |
| 21 disclosure. I -- I just haven't dived deeply enough 14:26 | 21 a data furnisher does, it was a fairly big change for 14:30 |
| 22 into the facts of this case to determine which of the 14:26 | 22 them to have to view the documents that we were 14:30 |
| 23 policies and procedures would be relevant to the defense 14:26 | 23 forwarding on and just confirm that there was nothing in 14:30 |
| 24 of this particular matter, but, again, we have a core 14:26 | 24 there that would change the outcome of the dispute, but 14:30 |
| 25 set of policies and procedures that are -- are generally 14:26 | 25 from the Trans Union side, it was not that big of a 14:30 |
| Page 42 | Page 44 |
| 1 relevant to our litigation defense. 14:26 | 1 change. 14:30 |
| 2 BY MR. CENTO: 14:26 | 2 BY MR. CENTO: 14:30 |
| 3 Q. Any others that you can think of? 14:26 | 3 Q. And the change is related to images that 14:30 |
| 4 A. No, I can't think of anything else right now. 14:26 | 4 happened in what, 2013? 14:31 |
| 5 Q. Dispute processing documents, how often do 14:27 | 5 MR. BROWN: Object to form. 14:31 |
| 6 they change? 14:27 | 6 THE WITNESS: I do believe the linking and 14:31 |
| 7 A. Well, the e-Oscar system that we use to convey 14:27 | 7 image enhancement went live in August of 2013. 14:31 |
| 8 a dispute to a data furnisher is updated I would guess a 14:27 | 8 BY MR. CENTO: 14:31 |
| 9 couple times a year. A new code might be added that 14:27 | 9 Q. Have the CRS online -- I'm sorry. Was the CRS 14:31 |
| 10 could be used in that system or a definition to a code 14:28 | 10 online help documentation given to outside counsel prior 14:31 |
| 11 might be changed. So those types of updates will happen 14:28 | 11 to 2005? 14:31 |
| 12 maybe a couple times a year, and then, again, the screen 14:28 | 12 A. I know portions of it were given to outside 14:31 |
| 13 shots that a data furnisher sees when they are accessing 14:28 | 13 counsel prior to 2005. 14:31 |
| 14 a dispute can be updated when there's a software update. 14:28 | 14 Q. Which portion? 14:31 |
| 15 So the documentation -- the training documentation that 14:28 | 15 A. Probably the portions relating to dispute 14:31 |
| 16 Trans Union would use and our furnishers would use and 14:28 | 16 handling and training of our dispute operators. I don't 14:32 |
| 17 what we would share with our defense counsel, those 14:28 | 17 know if the portions pertaining to disclosures would 14:32 |
| 18 things get updated to reflect those types of changes, I 14:28 | 18 have been shared with outside counsel because that's not 14:32 |
| 19 would estimate a couple times a year. 14:28 | 19 an area we get a lot of litigation about. I'm trying to 14:32 |
| 20 Q. So the e-Oscar dispute processing manuals was 14:28 | 20 think what else? Probably most of the sections to 14:32 |
| 21 updated when e-Oscar began implementing the change in 14:28 | 21 dispute handling would have been shared with outside 14:32 |
| 22 the e-Oscar system that allows for consumer reporting 14:28 | 22 counsel prior to 2005. Probably at the time it was 14:32 |
| 23 agencies to attach PDF documents to the dispute? 14:29 | 23 drafted. 14:32 |
| 24 MR. BROWN: Object to form. 14:29 | 24 Q. And -- and when you -- when you say 14:32 |
| 25 THE WITNESS: Yes. That's a good example of 14:29 | 25 disclosures, you're talking about when a consumer 14:32 |
| Page 43 | Page 45 |

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| 1 requests a copy of their credit file? 14:32 | 1 requirements, are those -- were those manuals provided 14:36 |
| 2 A. Yes, that's correct. 14:32 | 2 to outside counsel prior to 2005? 14:36 |
| 3 Q. Any -- any other portions that you can think 14:32 | 3 A. I don't know. I don't remember when -- when 14:36 |
| 4 of that would have been shared with outside counsel 14:32 | 4 Trans Union instituted the online dispute automation 14:37 |
| 5 prior to 2005? 14:32 | 5 system. 14:37 |
| 6 A. I don't know whether the portions relating to 14:32 | 6 Q. The subject selection documentation, were 14:37 |
| 7 quality assurance would have been shared. I do believe 14:32 | 7 those manuals provided to outside counsel prior to 2005? 14:37 |
| 8 the sample -- I'm sorry. The templates we use for 14:33 | 8 A. I'm quite certain that some of the subject 14:37 |
| 9 letters to consumers have been shared with outside 14:33 | 9 selection documentation was provided to outside counsel 14:37 |
| 10 counsel and certainly would have been shared prior to 14:33 | 10 prior to 2005. 14:37 |
| 11 2005 because some of the wording of those letters was 14:33 | 11 Q. And which -- which ones? 14:37 |
| 12 the subject of litigation. 14:33 | 12 A. Well, subject selection documentation goes to 14:37 |
| 13 Q. Anything else? 14:33 | 13 thousands of pages because there's a document that 14:37 |
| 14 A. I can't think of what else we might have 14:33 | 14 describes potentially every scenario you can imagine 14:37 |
| 15 shared. 14:33 | 15 with different combinations of consumers' identification 14:37 |
| 16 Q. As far as the dispute handling, the portion of 14:33 | 16 and different rules we have to recognize, for example, a 14:37 |
| 17 the CRS online help documentation that was shared with 14:33 | 17 nickname. So those -- those types of -- those -- 14:37 |
| 18 outside counsel prior to 2005, have those documents 14:33 | 18 different documents about the different rules have -- 14:38 |
| 19 changed since? 14:33 | 19 have been provided to outside counsel in connection with 14:38 |
| 20 A. Well, I'm certain there were some changes to 14:33 | 20 evaluating what's happened in a particular consumer 14:38 |
| 21 those documents because as I mentioned, the sample 14:33 | 21 scenario and how are rules worked to help outside 14:38 |
| 22 letters that might go to a consumer in connection with 14:33 | 22 counsel defend what we've done with a particular's 14:38 |
| 23 communicating with the consumer about their dispute, 14:34 | 23 consumer file. Those would definitely be reviewed prior 14:38 |
| 24 that would certainly -- updates are made to those 14:34 | 24 to 2005. 14:38 |
| 25 periodically to make the language more consumer friendly 14:34 | 25 Q. Any of the manuals that you're referring to 14:38 |
| Page 46 | Page 48 |
| 1 or more clear. 14:34 | 1 now manuals that would be relevant to any of the claims 14:38 |
| 2 I think the dispute claim codes that are 14:34 | 2 in this case? 14:38 |
| 3 available for a Trans Union agent to use in conveying a 14:34 | 3 MR. BROWN: Object to form. 14:38 |
| 4 dispute have -- new codes have been added over the 14:34 | 4 THE WITNESS: I absolutely think some of Trans 14:38 |
| 5 years, so that's a change to the documentation. Trans 14:34 | 5 Union's subject selection rules would be relevant to 14:38 |
| 6 Union periodically changes business rules on how we 14:34 | 6 this claim. 14:38 |
| 7 14:34 | 7 BY MR. CENTO: 14:38 |
| 8 14:34 | 8 Q. Okay. Can you identify a manual that would be 14:38 |
| 9 REDACTED 14:34 | 9 relevant by name? 14:38 |
| 10 14:34 | 10 A. So just to make sure I understand the 14:38 |
| 11 REDACTED 14:35 | 11 question, I think there is going to be subject selection 14:38 |
| 12 REDACTED 14:35 | 12 documentation that would be relevant that would describe 14:39 |
| 13 REDACTED 14:35 | 13 the rules that were evoked with this plaintiff's credit 14:39 |
| 14 14:35 | 14 file to match data to his file. Again, it's not a 14:39 |
| 15 14:35 | 15 manual. It's the documentation of all of the business 14:39 |
| 16 14:35 | 16 rules that are used. I would imagine that the dispute 14:39 |
| 17 14:35 | 17 handling documentation that's used by consumer relations 14:39 |
| 18 Q. Why do you describe the changes as small? 14:35 | 18 would be relevant to this -- this consumer's lawsuits. 14:39 |
| 19 A. Well, I would describe it as small because 14:35 | 19 Those are probably the two that immediately come to 14:39 |
| 20 when you think about the fact that the documentation 14:35 | 20 mind. 14:39 |
| 21 covers, you know, potentially everything our agents and 14:35 | 21 Q. I'm a little bit confused by your last answer. 14:39 |
| 22 operators can do, the changes that we've made refer to 14:35 | 22 You said that what we're talking about now, the subject 14:39 |
| 23 very discreet activities or practices and don't really 14:35 | 23 selection, is not a manual? I thought that you gave me 14:39 |
| 24 affect the core processes and policies that we have. 14:36 | 24 this in response to my question that asked you to 14:39 |
| 25 Q. The online dispute automation business 14:36 | 25 identify which manuals -- 14:40 |
| Page 47 | Page 49 |

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| 1 | MR. BROWN: Object to form. | 14:40 | 1 | | 14:43 |
| 2 | BY MR. CENTO: | 14:40 | 2 | | 14:43 |
| 3 | Q. (Continuing) -- were given to outside counsel, 14:40 | | 3 | REDACTED | 14:43 |
| 4 | so I'm really confused by what you mean when you say the 14:40 | | 4 | | 14:43 |
| 5 | subject selection is not a manual? | 14:40 | 5 | | 14:43 |
| 6 | MR. BROWN: Object to form, object as 14:40 | | 6 | | 14:43 |
| 7 | argumentative and object as not accurately 14:40 | | 7 | | 14:43 |
| 8 | characterizing the witness' earlier testimony. 14:40 | | 8 | REDACTED | 14:43 |
| 9 | BY MR. CENTO: | 14:40 | 9 | | 14:44 |
| 10 | Q. Go ahead. | 14:40 | 10 | | 14:44 |
| 11 | A. So Trans Union generally doesn't use the term 14:40 | | 11 | | 14:44 |
| 12 | "manual," but as I understand manual, it refers to a 14:40 | | 12 | | 14:44 |
| 13 | group of documents that are used to either describe 14:40 | | 13 | | 14:44 |
| 14 | processes or describe practices or describe systems. So 14:40 | | 14 | REDACTED | 14:44 |
| 15 | although we don't use the term "manual," I think the 14:40 | | 15 | | 14:44 |
| 16 | subject selection documentation, which is a compilation 14:40 | | 16 | | 14:44 |
| 17 | of all of the business rules that Trans Union has in its 14:40 | | 17 | Q. Well, if this document is relevant, would you 14:44 | |
| 18 | proprietary algorithms, I would view that as something 14:40 | | 18 | also agree it's discoverable? | 14:44 |
| 19 | you could classify as a manual even know it's not in 14:40 | | 19 | MR. BROWN: Object to form, calls for a legal 14:44 | |
| 20 | a -- in a binder on a shelf somewhere. 14:41 | | 20 | conclusion. | 14:44 |
| 21 | Q. All right. With respect to those manuals, 14:41 | | 21 | BY MR. CENTO: | 14:44 |
| 22 | which you said was relevant to this case under the 14:41 | | 22 | Q. Go ahead. | 14:44 |
| 23 | subject -- subject selection, that were provided to 14:41 | | 23 | A. Well, whether the documentation is 14:44 | |
| 24 | outside counsel prior to 2005, has any of those changed? 14:41 | | 24 | discoverable is not something I would be able to rule 14:44 | |
| 25 | A. I haven't reviewed the specific subject 14:41 | | 25 | on. I think it's certainly highly proprietary 14:44 | |
| Page 50 | | | Page 52 | | |
| 1 | selection rules that would have been applicable to 14:41 | | 1 | information and confidential information, and I don't 14:45 | |
| 2 | Mr. Watkins' credit file update, but my understanding is 14:41 | | 2 | know to what extent we would be compelled to produce it. 14:45 | |
| 3 | that his credit report existed prior to 2005 in the 14:41 | | 3 | Q. All right. Of the hundreds of compliance 14:45 | |
| 4 | Trans Union system, so certainly subject selection rules 14:42 | | 4 | policies, you told me about some policies that relate to 14:45 | |
| 5 | that existed prior to 2005 could be relevant to how his 14:42 | | 5 | processing consumer disputes, and I've asked you a 14:45 | |
| 6 | credit file was built and how information was added to 14:42 | | 6 | number of times about what those policies were given to 14:45 | |
| 7 | his credit file. 14:42 | | 7 | outside counsel before 2005 and then changed later, and 14:45 | |
| 8 | I don't know which specific rules may have 14:42 | | 8 | you often replied to me in response mentioned policies 14:45 | |
| 9 | caused information to appear on Mr. Watkins' credit file 14:42 | | 9 | in dispute related policies. Are there any consumer 14:45 | |
| 10 | that specifically are the subject of his disputes. So I 14:42 | | 10 | dispute related policies related to this last category 14:45 | |
| 11 | don't know whether those rules have -- have changed at 14:42 | | 11 | that you haven't told me about? 14:46 | |
| 12 | all since 2005. 14:42 | | 12 | MR. BROWN: Object to form and object that it 14:46 | |
| 13 | Q. But you think that rules regarding subject 14:42 | | 13 | mischaracterizes the witness' earlier testimony. 14:46 | |
| 14 | selection from -- prior to 2005 would be relevant to 14:42 | | 14 | BY MR. CENTO: | 14:46 |
| 15 | this case? 14:42 | | 15 | Q. Go ahead. | 14:46 |
| 16 | A. Absolutely. 14:42 | | 16 | A. I haven't looked back at all of the compliance 14:46 | |
| 17 | Q. How so? 14:42 | | 17 | policies and procedures to see which ones might be 14:46 | |
| 18 | A. Trans Union's core subject selection rules 14:42 | | 18 | relevant to this litigation, so I don't know. I don't 14:46 | |
| 19 | were built prior to 2005 and the changes that have been 14:43 | | 19 | know. 14:46 | |
| 20 | made to those rules since 2005, again, tend to be very 14:43 | | 20 | Q. Well, did you do that when you gave your 14:46 | |
| 21 | incremental changes designed to address specific 14:43 | | 21 | affidavit in Childress? 14:46 | |
| 22 | situations that Trans Union has seen over the years. 14:43 | | 22 | MR. BROWN: Object to form. The witness can 14:46 | |
| 23 | | 14:43 | 23 | answer if she understands the question. 14:46 | |
| 24 | REDACTED | 14:43 | 24 | THE WITNESS: Are you asking if I did an 14:46 | |
| 25 | | 14:43 | 25 | inventory of our compliance policies and procedures when 14:46 | |
| Page 51 | | | Page 53 | | |

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|--|---|
| <p>1 I gave my affidavit in Childress? 14:46</p> <p>2 BY MR. CENTO: 14:46</p> <p>3 Q. Yes. If you made your look back. 14:46</p> <p>4 A. No, I didn't. 14:46</p> <p>5 Q. Okay. You also told me about some policies 14:47</p> <p>6 and procedures that relate to FCRA regarding reasonable 14:47</p> <p>7 procedures put into that broader category of the 14:47</p> <p>8 hundreds of compliance policies that you mentioned. 14:47</p> <p>9 Were those policies that you were talking about there 14:47</p> <p>10 given to outside counsel prior to 2005? 14:47</p> <p>11 A. I would categorize a number of our compliance 14:47</p> <p>12 policies as aimed as maintaining reasonable procedures 14:47</p> <p>13 to maintain maximum possible accuracy. For example, 14:47</p> <p>14 data furnisher credentialing and onboarding, and I know 14:47</p> <p>15 that those have been reviewed and relevant in litigation 14:47</p> <p>16 with outside counsel and I'm -- I'm pretty confident 14:47</p> <p>17 they were reviewed with defense counsel prior to 2005. 14:48</p> <p>18 That's one of our oldest policies, for example, so I 14:48</p> <p>19 would imagine that it was probably reviewed with outside 14:48</p> <p>20 counsel in the 1990s. 14:48</p> <p>21 Q. And I'm sorry. What did you call that again? 14:48</p> <p>22 The data furnisher what? 14:48</p> <p>23 A. We have several policies that address data 14:48</p> <p>24 furnisher onboarding to make sure we're getting quality 14:48</p> <p>25 data from our data furnishers. 14:48</p> <p style="text-align: right;">Page 54</p> | <p>1 policies and procedures aimed at those requirements have 14:50</p> <p>2 been in place for probably more than 20 years. So 14:50</p> <p>3 there's a core set of policies and procedures and 14:50</p> <p>4 training documents that come into play in almost every 14:50</p> <p>5 lawsuit we defend, and, you know, I don't want to 14:50</p> <p>6 speculate, but I think that it's reasonable that some of 14:50</p> <p>7 those will be relevant in this litigation. 14:50</p> <p>8 Q. And of the ones that you're talking about, 14:50</p> <p>9 this core set, have they changed since 2005? 14:50</p> <p>10 A. To the extent that I spoke of previously where 14:50</p> <p>11 there have been updates to reflect things such as the 14:50</p> <p>12 CFPB replacing the Federal Trade Commission, those types 14:50</p> <p>13 of changes have occurred, changes in -- I'm trying to 14:51</p> <p>14 think. In the compliance policies and procedures, those 14:51</p> <p>15 would probably be the -- the only changes that would 14:51</p> <p>16 have occurred since 2005. 14:51</p> <p>17 With respect to changes in some of the system 14:51</p> <p>18 documentation or subject selection documentation, I 14:51</p> <p>19 don't know yet whether any of those have changed because 14:51</p> <p>20 I have not yet determined which of those would have been 14:51</p> <p>21 relevant in -- in the case of this consumer and in terms 14:51</p> <p>22 of the consumer relations documentation, there may have 14:51</p> <p>23 been changes based on a new claim code, certainly 14:51</p> <p>24 changes to reflect linking and imaging, but, again, a 14:51</p> <p>25 large portion of those documents will be the same. 14:51</p> <p style="text-align: right;">Page 56</p> |
| <p>1 Q. Would that policy -- will those policies be 14:48</p> <p>2 relevant to any of the claims in this case. 14:48</p> <p>3 MR. BROWN: Object to form, calls for 14:48</p> <p>4 speculation, calls for a legal conclusion. 14:48</p> <p>5 BY MR. CENTO: 14:48</p> <p>6 Q. Go ahead. 14:48</p> <p>7 A. I don't know if we've identified which 14:48</p> <p>8 policies specifically will be relevant to the defense of 14:48</p> <p>9 this litigation. I don't know that we flushed out all 14:48</p> <p>10 of those details yet. 14:49</p> <p>11 Q. Okay. As you sit here today, have you 14:49</p> <p>12 identified any of these policies that you're talking 14:49</p> <p>13 about, the data furnisher onboarding policies that 14:49</p> <p>14 relate to any client in this case? 14:49</p> <p>15 MR. BROWN: Object to form, object that it 14:49</p> <p>16 mischaracterizes the witness' earlier testimony. 14:49</p> <p>17 THE WITNESS: I would -- I would say that the 14:49</p> <p>18 defense of any consumer litigation will include 14:49</p> <p>19 reference to a core set of policies and procedures. You 14:49</p> <p>20 know, most of our lawsuits either allege that we failed 14:49</p> <p>21 to have reasonable procedures to assure maximum possible 14:49</p> <p>22 accuracy or -- I'm sorry and/or allege that we failed to 14:49</p> <p>23 process the dispute in compliance with the requirements 14:49</p> <p>24 of the Fair Credit Reporting Act, and those requirements 14:49</p> <p>25 have been in the FCRA since I think the 1970s and our 14:49</p> <p style="text-align: right;">Page 55</p> | <p>1 Q. These manuals that you've told us about today, 14:52</p> <p>2 do any of them have as their subject the conduct of 14:52</p> <p>3 litigation itself? In other words, how your outside 14:52</p> <p>4 counsel should actually conduct the case in terms of 14:52</p> <p>5 what they do in defending the case and strategies in 14:53</p> <p>6 defending the case? Are there any manuals related to 14:53</p> <p>7 that subject? 14:53</p> <p>8 MR. BROWN: Object to form. 14:53</p> <p>9 THE WITNESS: I think there are some documents 14:53</p> <p>10 in the consumer relations documentation that talk about 14:53</p> <p>11 working with outside counsel in defending litigation and 14:53</p> <p>12 indicate which -- which departments are supposed to 14:53</p> <p>13 interface with outside counsel or prepare summaries for 14:53</p> <p>14 outside counsel to use in litigation defense and what 14:53</p> <p>15 goes into that process. I don't know that they're 14:53</p> <p>16 specifically directing outside counsel what to do, but 14:53</p> <p>17 our outside counsel are familiar with those documents 14:53</p> <p>18 and know which of our employees to go to and what to ask 14:54</p> <p>19 for when they need something. 14:54</p> <p>20 Q. Any others? 14:54</p> <p>21 A. I can't think of anything at the moment. 14:54</p> <p>22 MR. CENTO: Can we take a five-minute break? 14:54</p> <p>23 MR. BROWN: Sure. 14:54</p> <p>24 THE VIDEOGRAPHER: We are going off the 14:54</p> <p>25 record. The time is 2:52 p.m. 15:02</p> <p style="text-align: right;">Page 57</p> |

| | | | | | |
|----|--|---------|----|--|---------|
| 1 | (Whereupon there was a brief | 15:02 | 1 | change, as I'm sitting here right now. I would need to | 15:06 |
| 2 | break, after which the | 15:02 | 2 | review the documents and -- and determine whether they | 15:06 |
| 3 | following proceedings were | 15:02 | 3 | changed. | 15:06 |
| 4 | had.) | 15:02 | 4 | BY MR. CENTO: | 15:06 |
| 5 | THE VIDEOGRAPHER: We are back on the record. | 15:02 | 5 | Q. Have -- have -- and you haven't conducted a | 15:06 |
| 6 | The time is 3:00 p.m. Please, proceed. | 15:02 | 6 | review like that to determine whether those documents | 15:06 |
| 7 | BY MR. CENTO: | 15:02 | 7 | have changed? | 15:06 |
| 8 | Q. Are there any general written instructions or | 15:02 | 8 | A. The documents that would be relevant to our | 15:06 |
| 9 | manuals that were given to outside counsel as part of | 15:02 | 9 | compliance with 1681e? | 15:06 |
| 10 | their duties in defending litigation that was given to | 15:02 | 10 | Q. EB? | 15:06 |
| 11 | outside counsel that you haven't told me about? | 15:03 | 11 | A. Sorry. EB. I have not conducted a review of | 15:06 |
| 12 | A. I don't know whether you would consider | 15:03 | 12 | those in anticipation of this deposition, no. | 15:06 |
| 13 | billing requirements or billing practices that we would | 15:03 | 13 | Q. Have you conducted a review of them in -- | 15:06 |
| 14 | provide to outside counsel. That's the only other thing | 15:03 | 14 | prior to giving your affidavit in either the Childress | 15:06 |
| 15 | I can think of. | 15:03 | 15 | or the Hobson case? | 15:06 |
| 16 | Q. Does Trans Union intend to raise as a defense | 15:03 | 16 | A. I reviewed virtually every change to the | 15:07 |
| 17 | in this case changes in the law that arise out of the | 15:03 | 17 | documentation that's occurred. It's part of my job at | 15:07 |
| 18 | 2010 amendments to 15 U.S.C 1681a? | 15:03 | 18 | Trans Union. I've either reviewed it or someone on my | 15:07 |
| 19 | A. I'm sorry. Can I have that question again. | 15:03 | 19 | staff has reviewed it, but I did not review it | 15:07 |
| 20 | | 15:03 | 20 | specifically in connection with preparing the | 15:07 |
| 21 | | 15:04 | 21 | affidavits, no. | 15:07 |
| 22 | REDACTED | 15:04 | 22 | Q. Did you review that documentation and the | 15:07 |
| 23 | | 15:04 | 23 | changes in the documentation as it relates to -- as they | 15:07 |
| 24 | | 15:04 | 24 | relate to the standards -- the federal laws under | 15:07 |
| 25 | | 15:04 | 25 | 1681i of the Fair Credit Reporting Act -- | 15:07 |
| | | Page 58 | | | Page 60 |
| 1 | REDACTED | 15:04 | 1 | MR. BROWN: Object to form. | 15:07 |
| 2 | | 15:04 | 2 | BY MR. CENTO: | 15:07 |
| 3 | | | 3 | Q. -- prior -- prior to today's deposition? | 15:07 |
| 4 | Q. Of the manuals -- of the manuals that you've | 15:04 | 4 | MR. BROWN: Same objection. | 15:07 |
| 5 | told me about today that were given to outside counsel | 15:04 | 5 | THE WITNESS: I would give the same answer. I | 15:07 |
| 6 | prior to 2005 and that have been changed since, were any | 15:04 | 6 | reviewed the changes and often authored the changes to | 15:07 |
| 7 | of those changes made because of things that happened in | 15:04 | 7 | those documents, but I did not do it specifically in | 15:07 |
| 8 | the litigation? In other words, rulings from -- from | 15:04 | 8 | preparing for this deposition or in preparing to execute | 15:07 |
| 9 | the Court about certain issues in the cases, rulings by | 15:04 | 9 | the affidavits. | 15:08 |
| 10 | Court regarding the standards under 1681e or 1681i or | 15:05 | 10 | Again, the -- the core documents are the same, | 15:08 |
| 11 | changes like that made to those manuals? | 15:05 | 11 | so if there were a specific policy change that would be | 15:08 |
| 12 | MR. BROWN: Object to form. | 15:05 | 12 | relevant to one of these cases, I would probably know, | 15:08 |
| 13 | THE WITNESS: I would say yes. There have | 15:05 | 13 | but I haven't specifically checked on that. | 15:08 |
| 14 | been changes made as a result of litigation against | 15:05 | 14 | MR. CENTO: Those are all of the questions I | 15:08 |
| 15 | Trans Union or decisions issued in litigation against | 15:05 | 15 | have. | 15:08 |
| 16 | other consumer reporting agencies, but I can't say | 15:05 | 16 | MR. BROWN: Okay. I don't have any questions. | 15:08 |
| 17 | whether or not those are specifically changes relating | 15:05 | 17 | THE VIDEOGRAPHER: That concludes this | 15:08 |
| 18 | to litigation of the sections of the law that you | 15:05 | 18 | deposition and is the end of media number one. We are | 15:08 |
| 19 | mentioned. | 15:05 | 19 | going off the record. The time is 3:06 p.m. | 15:08 |
| 20 | Q. Okay. So as you sit here today, you can't | 15:05 | 20 | (Whereupon a discussion was off | 15:08 |
| 21 | think of any changes made to any of the manuals we've | 15:05 | 21 | the video record.) | 15:08 |
| 22 | been discussing today that relate to, for example, the | 15:05 | 22 | MR. BROWN: We will reserve. | 15:08 |
| 23 | standard under 1681eb? | 15:05 | 23 | (Whereupon the deposition | 15:09 |
| 24 | MR. BROWN: Object to form. | 15:06 | 24 | concluded at 3:06 p.m.) | 15:09 |
| 25 | THE WITNESS: No, I can't think of a specific | 15:06 | 25 | | |
| | | Page 59 | | | Page 61 |

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|---|---|
| <p>1 2 3 4 5 6 7 8 9 10 I, DENISE NORGLÉ, being first duly sworn, on oath, say that I am the deponent in the aforesaid 11 deposition, that I have read the foregoing transcript of my deposition taken on the 11th of February, 2015, 12 consisting of pages 1 through 67, taken at the aforesaid time and place and that the foregoing is a true and 13 correct transcript of my testimony so given. 14 _____ Corrections have been submitted 15 _____ No corrections have been 16 submitted 17 _____ DENISE NORGLÉ 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 62</p> | <p>1 transcript within 30 days or make other arrangements for 2 reading and signing thereof, this deposition transcript 3 may be used as fully as though signed, and the instant 4 certificate will then evidence such failure to read and 5 sign this deposition transcript as the reason for 6 signature being waived. 7 The undersigned is not interested in the 8 within case, nor of kin or counsel to any of the 9 parties. 10 Witness my official signature on this 27th day 11 of February, A.D., 2015. 12 13 14 Tracy Kerney, CSR, RPR License No: 084-004282 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 64</p> |
| <p>1 NORTHERN DISTRICT OF ILLINOIS) 2 EASTERN DIVISION) 3 STATE OF ILLINOIS) 4) SS: 5 COUNTY OF COOK) 6 7 I, Tracy Kerney, Certified Shorthand Reporter, 8 do hereby certify that on the 11th of February, A.D., 9 2015, the deposition of DENISE NORGLÉ, called by the 10 Plaintiff, was taken before me, reported 11 stenographically and was thereafter reduced to 12 typewriting through computer-aided transcription. 13 The said witness, DENISE NORGLÉ, was first 14 duly sworn to tell the truth, the whole truth, and 15 nothing but the truth, and was then examined upon oral 16 interrogatories. 17 I further certify that the foregoing is a 18 true, accurate and complete record of the questions 19 asked of and answers made by the said witness, at the 20 time and place hereinabove referred to. 21 The signature of the witness was not waived by 22 agreement. 23 Pursuant to Rule 30(e) of the Federal Rules of 24 Civil Procedure for the United States District Courts, 25 if deponent fails to read and sign this deposition</p> <p style="text-align: right;">Page 63</p> | |

[& - answer]

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[answered - certain]

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[certain - couple]

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